

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1027 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 5-28-15-14, AS ADDED BY P.L.4-2005,
- 4 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2007]: Sec. 14. (a) A U.E.A. shall do the following:
- 6 (1) Coordinate zone development activities.
- 7 (2) Serve as a catalyst for zone development.
- 8 (3) Promote the zone to outside groups and individuals.
- 9 (4) Establish a formal line of communication with residents and
- 10 businesses in the zone.
- 11 (5) Act as a liaison between residents, businesses, the
- 12 municipality, and the board for any development activity that may
- 13 affect the zone or zone residents.
- 14 (b) A U.E.A. may do the following:
- 15 (1) Initiate and coordinate any community development activities
- 16 that aid in the employment of zone residents, improve the
- 17 physical environment, or encourage the turnover or retention of
- 18 capital in the zone. These additional activities include but are not
- 19 limited to recommending to the municipality the manner and
- 20 purpose of expenditure of funds generated under
- 21 IC 36-7-14-39(g) or IC 36-7-15.1-26(g).
- 22 (2) Recommend that the board modify a zone boundary or
- 23 disqualify a zone business from eligibility for one (1) or more
- 24 benefits or incentives available to zone businesses.

(3) Incorporate as a nonprofit corporation. Such a corporation may continue after the expiration of the zone in accordance with the general principles established by this chapter. A U.E.A. that incorporates as a nonprofit corporation under this subdivision may purchase or receive real property from a redevelopment commission under IC 36-7-14-22.2 or IC 36-7-15.1-15.2.

(c) The U.E.A. may request, by majority vote, that the legislative body of the municipality in which the zone is located modify or waive any municipal ordinance or regulation that is in effect in the zone. The legislative body may, by ordinance, waive or modify the operation of the ordinance or regulation, if the ordinance or regulation does not affect health (including environmental health), safety, civil rights, or employment rights.

(d) The U.E.A. may request, by majority vote, that the board waive or modify any state rule that is in effect in the zone. The board shall review the request and may approve, modify, or reject the request. Approval or modification by the board shall take place after review by the appropriate state agency. A modification may include but is not limited to establishing different compliance or reporting requirements, timetables, or exemptions in the zone for a business or an individual, to the extent that the modification does not adversely affect health (including environment health), safety, employment rights, or civil rights. An approval or a modification of a state rule by the board takes effect upon the approval of the governor. In no case are the provisions of ~~IC 22-2-2~~ and IC 22-7-1-2 mitigated by this chapter.

SECTION 2. IC 6-3.1-4-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec 2.5. (a) The general assembly makes the following findings pertaining to this section:

(1) The aerospace industry is adversely affected by the calculation of qualified research expense credits under this chapter, based on the Internal Revenue Code's treatment of federal defense spending trends in the 1980s.

(2) This adverse impact creates a disincentive for making qualified research expenditures in Indiana.

(3) Manufacturers of aerospace and jet propulsion equipment have been a major in-state employer of science and engineering graduates from Indiana universities.

(4) The presence of a strong aerospace manufacturing base furthers the state's interest in maintaining the viability of a United States government military installation that is used for the design, construction, maintenance, and testing of electronic devices and ordnance.

(5) The creation of an alternative qualified research expense credit promotes vital state interests.

(b) This section applies only to a taxpayer that:

(1) is primarily engaged in the production of civil and military jet

propulsion systems;

(2) is certified by the Indiana economic development corporation as an aerospace advanced manufacturer;

(3) is a United States Department of Defense contractor; and

(4) maintains one (1) or more manufacturing facilities in Indiana employing at least three thousand (3,000) employees in full-time employment positions that pay on average more than ~~four hundred percent (400%) of the hourly minimum wage under IC 22-2-2-4~~ **seventeen dollars (\$17) per hour** or its equivalent.

(c) A taxpayer that incurs Indiana qualified research expense in a particular taxable year may elect to calculate the research expense tax credit under this section instead of under section 2 of this chapter.

(d) An election under this section applies to the taxable year for which the election is made and all succeeding taxable years unless the election is revoked with the consent of the department. An election must be made in the manner and on the form prescribed by the department.

(e) A credit may be authorized by the Indiana economic development corporation and, if authorized, shall be equal to a percentage determined by the Indiana economic development corporation, not to exceed ten percent (10%), multiplied by:

(1) the taxpayer's Indiana qualified research expenses for the taxable year; minus

(2) fifty percent (50%) of the taxpayer's average Indiana qualified research expenses for the three (3) taxable years preceding the taxable year for which the credit is being determined.

(f) The credit amount determined in subsection (e) applies to the taxable year for which the determination is made and all succeeding taxable years unless the determination is changed by the Indiana economic development corporation. The duration of a determination made by the Indiana economic development corporation under subsection (e) shall be specified by the Indiana economic development corporation at the time of the determination.

SECTION 3. IC 6-3.1-21-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 6. (a) An individual who is eligible for an earned income tax credit under Section 32 of the Internal Revenue Code is eligible for a credit under this chapter equal to ~~six~~ **eight** percent ~~(6%)~~ **(8%)** of the amount of the federal earned income tax credit that the individual:

(1) is eligible to receive in the taxable year; and

(2) claimed for the taxable year;

under Section 32 of the Internal Revenue Code.

(b) If the credit amount exceeds the taxpayer's adjusted gross income tax liability for the taxable year, the excess, less any advance payments of the credit made by the taxpayer's employer under IC 6-3-4-8 that reduce the excess, shall be refunded to the taxpayer.

SECTION 4. IC 6-3.1-26-18, AS AMENDED BY P.L.1-2006, SECTION 143, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 18. After receipt of an application, the corporation may enter into an agreement with the applicant for a credit under this chapter if the corporation determines that all the following conditions exist:

- (1) The applicant's project will raise the total earnings of employees of the applicant in Indiana.
- (2) The applicant's project is economically sound and will benefit the people of Indiana by increasing opportunities for employment and strengthening the economy of Indiana.
- (3) Receiving the tax credit is a major factor in the applicant's decision to go forward with the project and not receiving the tax credit will result in the applicant not raising the total earnings of employees in Indiana.
- (4) Awarding the tax credit will result in an overall positive fiscal impact to the state, as certified by the budget agency using the best available data.
- (5) The credit is not prohibited by section 19 of this chapter.
- (6) The average wage that will be paid by the taxpayer to its employees (excluding highly compensated employees) at the location after the credit is given will be at least equal to ~~one hundred fifty percent (150%) of the hourly minimum wage under IC 22-2-2-4~~ **six dollars and thirty-eight cents (\$6.38) per hour** or its equivalent.

SECTION 5. IC 6-3.1-26-21, AS AMENDED BY P.L.4-2005, SECTION 110, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 21. The corporation shall enter into an agreement with an applicant that is awarded a credit under this chapter. The agreement must include all the following:

- (1) A detailed description of the project that is the subject of the agreement.
- (2) The first taxable year for which the credit may be claimed.
- (3) The amount of the taxpayer's state tax liability for each tax in the taxable year of the taxpayer that immediately preceded the first taxable year in which the credit may be claimed.
- (4) The maximum tax credit amount that will be allowed for each taxable year.
- (5) A requirement that the taxpayer shall maintain operations at the project location for at least ten (10) years during the term that the tax credit is available.
- (6) A specific method for determining the number of new employees employed during a taxable year who are performing jobs not previously performed by an employee.
- (7) A requirement that the taxpayer shall annually report to the corporation the number of new employees who are performing

1 jobs not previously performed by an employee, the average wage  
 2 of the new employees, the average wage of all employees at the  
 3 location where the qualified investment is made, and any other  
 4 information the director needs to perform the director's duties  
 5 under this chapter.

6 (8) A requirement that the director is authorized to verify with the  
 7 appropriate state agencies the amounts reported under subdivision  
 8 (7), and that after doing so shall issue a certificate to the taxpayer  
 9 stating that the amounts have been verified.

10 (9) A requirement that the taxpayer shall pay an average wage to  
 11 all its employees other than highly compensated employees in  
 12 each taxable year that a tax credit is available that equals at least  
 13 ~~one hundred fifty percent (150%) of the hourly minimum wage~~  
 14 ~~under IC 22-2-2-4~~ **six dollars and thirty-eight cents (\$6.38) per**  
 15 **hour** or its equivalent.

16 (10) A requirement that the taxpayer will keep the qualified  
 17 investment property that is the basis for the tax credit in Indiana  
 18 for at least the lesser of its useful life for federal income tax  
 19 purposes or ten (10) years.

20 (11) A requirement that the taxpayer will maintain at the location  
 21 where the qualified investment is made during the term of the tax  
 22 credit a total payroll that is at least equal to the payroll level that  
 23 existed before the qualified investment was made.

24 (12) A requirement that the taxpayer shall provide written  
 25 notification to the director and the corporation not more than  
 26 thirty (30) days after the taxpayer makes or receives a proposal  
 27 that would transfer the taxpayer's state tax liability obligations to  
 28 a successor taxpayer.

29 (13) Any other performance conditions that the corporation  
 30 determines are appropriate.

31 SECTION 6. IC 6-3.5-2-1 IS AMENDED TO READ AS  
 32 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. ~~As used in The~~  
 33 **following definitions apply throughout this chapter:**

34 (1) "Agency" means a board, commission, division, bureau,  
 35 committee, authority, military body, college, university, or other  
 36 instrumentality.

37 (2) "Agricultural labor" includes only services performed:

38 (A) on a farm, in connection with cultivating the soil or in  
 39 connection with raising or harvesting any agricultural or  
 40 horticultural commodity, including the raising, shearing,  
 41 feeding, caring for, training, and management of livestock,  
 42 bees, poultry, and furbearing animals and wildlife;

43 (B) in the employ of the owner or tenant or other operator  
 44 of a farm, in connection with the operation, management,  
 45 conservation, improvement, or maintenance of the farm  
 46 and its tools and equipment if the major part of the service

is performed on a farm;

(C) in connection with:

(i) the production or harvesting of maple sugar or maple syrup or any commodity defined as an agricultural commodity in the Agricultural Marketing Act, as amended (12 U.S.C. 1141j);

(ii) the raising or harvesting of mushrooms;

(iii) the hatching of poultry; or

(iv) the operation or maintenance of ditches, canals, reservoirs, or waterways used exclusively for supplying and storing water for farming purposes; and

(D) in handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage, to market, or to a carrier for transportation to market, any agricultural or horticultural commodity, but only if service is performed as an incident to ordinary farming operation or, in the case of fruits and vegetables, as an incident to the preparation of fruits and vegetables for market. However, this exception does not apply to services performed in connection with any agricultural or horticultural commodity after its delivery to a terminal market or processor for preparation or distribution for consumption.

For purposes of this subdivision, "farm" includes stock, dairy, poultry, fruit, furbearing animals, and truck farms, nurseries, orchards, or greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities.

~~(2)~~ (3) "Compensation" means gross income from services rendered as that term is defined by section 61(a) of the Internal Revenue Code.

~~(3)~~ (4) "Employee" means any individual permitted to work for remuneration by any employer, but excluding any individual performing:

(i) agricultural labor; ~~as that term is defined in IC 22-2-2-3(m);~~

(ii) domestic service solely on a daily basis in a private home;

(iii) newspaper carrier delivery or distribution service if the individual is under the age of eighteen (18) years; or

(iv) services in the employ of one's father, mother, son, daughter, or spouse.

~~(4)~~ (5) "Full time employee" means an employee who received compensation from employment of at least nine hundred dollars (\$900) in any calendar quarter of a year from an employer who is subject to the tax imposed by this chapter; "full time employee" shall include a self-employed person who receives compensation from employment of at least nine hundred dollars (\$900) in any calendar quarter of a year.

~~(5)~~ (6) "Employer" means any natural person, receiver, administrator, executor, trustee, trustee in bankruptcy, trust, estate, firm, partnership (general or limited), joint venture, company, limited liability company, or any form of unincorporated business, corporation (foreign or domestic, for profit or not-for-profit) who or which is doing business within the county.

~~(6)~~ (7) "Doing business within the county" means employing individuals to work in whole or in part, within the county and one (1) of the following:

- (i) maintaining a fixed place of business in the county;
- (ii) owning or leasing property within the county;
- (iii) maintaining a stock of tangible personal property within the county;
- (iv) employing or loaning capital or property within the county; or
- (v) employing persons as employees or independent contractors, to solicit business within the county.

~~(7)~~ (8) "Person" includes a sole proprietorship, partnership, association, corporation, limited liability company, fiduciary, or individual.

~~(8)~~ (9) "Principally employed in the county" means an employee who devotes more than fifty percent (50%) of the time which ~~he~~ **the employee** works for ~~his the employee's~~ employer to services which ~~he the employee~~ performs in the taxing county.

~~(9)~~ (10) "Political subdivision" means a county, township, town, city, separate municipal corporation, special taxing district, or public school corporation.

~~(10)~~ (11) "County council" includes a city-county council of a consolidated city."

Page 1, line 2, delete "one two" and insert "one".

Page 1, line 3, after "thousand" insert "**one**".

Page 1, line 3, delete "(\$200,000)" and insert "**(\$100,001)**".

Page 1, delete lines 6 through 17, begin a new paragraph and insert:

"SECTION 8. IC 12-14-5.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. The maximum number of hours a person is required to work under this chapter is equal to the number of hours multiplied by the **federal** minimum wage that is equivalent to the value of all assistance received. However, a person may not be required to work more than forty (40) hours per week.

SECTION 9. IC 12-24-7-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. A patient who earns wages under this chapter is not:

- (1) subject to rules of the state personnel department; **or**
- (2) eligible to become a member of the public employees'

1 retirement fund. or

2 ~~(3) covered by IC 22-2-2.~~

3 SECTION 10. IC 22-1-5-14, AS ADDED BY P.L.212-2005,  
4 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2007]: Sec. 14. A consumer notice must include the  
6 following:

7 (1) The duties, responsibilities, and obligations of the placement  
8 agency to the:

9 (A) home care services worker; and

10 (B) consumer.

11 (2) A statement identifying the placement agency as:

12 (A) an employer;

13 (B) a joint employer;

14 (C) a leasing employer; or

15 (D) not an employer.

16 (3) A statement that notwithstanding the employment status of the  
17 placement agency, the consumer:

18 (A) may be considered an employer under state and federal  
19 employment laws; and

20 (B) may be responsible for:

21 (i) payment of local, state, or federal employment taxes;

22 (ii) payment for Social Security and Medicare contributions;

23 (iii) ensuring payment of at least the **federal** minimum  
24 wage, **if the federal minimum wage applies to the**  
25 **employer and employee;**

26 (iv) overtime payment;

27 (v) unemployment contributions under IC 22-4-11; or

28 (vi) worker's compensation insurance as required by  
29 IC 22-3-2-5 and IC 22-3-7-34;

30 of the home care services worker.

31 (4) The appropriate telephone number, address, and electronic  
32 mail address of the department for inquiries regarding the  
33 contents of the notice.

34 The department shall determine the content and format of the consumer  
35 notice."

36 Delete pages 2 through 11.

37 Page 12, delete lines 1 through 2.

38 Page 12, between lines 17 and 18, begin a new paragraph and insert:

39 "SECTION 12. IC 22-4-15-2 IS AMENDED TO READ AS  
40 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) With respect to  
41 benefit periods established on and after July 3, 1977, an individual is  
42 ineligible for waiting period or benefit rights, or extended benefit  
43 rights, if the department finds that, being totally, partially, or  
44 part-totally unemployed at the time when the work offer is effective or  
45 when the individual is directed to apply for work, the individual fails  
46 without good cause:



(1) to apply for available, suitable work when directed by the commissioner, the deputy, or an authorized representative of the department of workforce development or the United States training and employment service;

(2) to accept, at any time after the individual is notified of a separation, suitable work when found for and offered to the individual by the commissioner, the deputy, or an authorized representative of the department of workforce development or the United States training and employment service, or an employment unit; or

(3) to return to the individual's customary self-employment when directed by the commissioner or the deputy.

(b) With respect to benefit periods established on and after July 6, 1980, the ineligibility shall continue for the week in which the failure occurs and until the individual earns remuneration in employment equal to or exceeding the weekly benefit amount of the individual's claim in each of eight (8) weeks. If the qualification amount has not been earned at the expiration of an individual's benefit period, the unearned amount shall be carried forward to an extended benefit period or to the benefit period of a subsequent claim.

(c) With respect to extended benefit periods established on and after July 5, 1981, the ineligibility shall continue for the week in which the failure occurs and until the individual earns remuneration in employment equal to or exceeding the weekly benefit amount of the individual's claim in each of four (4) weeks.

(d) If an individual failed to apply for or accept suitable work as outlined in this section, the maximum benefit amount of the individual's current claim, as initially determined, shall be reduced by twenty-five percent (25%). If twenty-five percent (25%) of the maximum benefit amount is not an even dollar amount, the amount of such reduction shall be raised to the next higher even dollar amount. The maximum benefit amount of the individual's current claim may not be reduced by more than twenty-five percent (25%) during any benefit period or extended benefit period.

(e) In determining whether or not any such work is suitable for an individual, the department shall consider:

(1) the degree of risk involved to such individual's health, safety, and morals;

(2) the individual's physical fitness and prior training and experience;

(3) the individual's length of unemployment and prospects for securing local work in the individual's customary occupation; and

(4) the distance of the available work from the individual's residence.

However, work under substantially the same terms and conditions under which the individual was employed by a base-period employer,

1 which is within the individual's prior training and experience and  
 2 physical capacity to perform, shall be considered to be suitable work  
 3 unless the claimant has made a bona fide change in residence which  
 4 makes such offered work unsuitable to the individual because of the  
 5 distance involved. For an individual who is subject to section 1(c)(8)  
 6 of this chapter, the determination of suitable work for the individual  
 7 must reasonably accommodate the individual's need to address the  
 8 physical, psychological, legal, and other effects of domestic or family  
 9 violence.

10 (f) Notwithstanding any other provisions of this article, no work  
 11 shall be considered suitable and benefits shall not be denied under this  
 12 article to any otherwise eligible individual for refusing to accept new  
 13 work under any of the following conditions:

14 (1) If the position offered is vacant due directly to a strike,  
 15 lockout, or other labor dispute.

16 (2) If the remuneration, hours, or other conditions of the work  
 17 offered are substantially less favorable to the individual than  
 18 those prevailing for similar work in the locality.

19 (3) If as a condition of being employed the individual would be  
 20 required to join a company union or to resign from or refrain from  
 21 joining a bona fide labor organization.

22 (4) If as a condition of being employed the individual would be  
 23 required to discontinue training into which the individual had  
 24 entered with the approval of the department.

25 (g) Notwithstanding subsection (e), with respect to extended benefit  
 26 periods established on and after July 5, 1981, "suitable work" means  
 27 any work which is within an individual's capabilities. However, if the  
 28 individual furnishes evidence satisfactory to the department that the  
 29 individual's prospects for obtaining work in the individual's customary  
 30 occupation within a reasonably short period are good, the  
 31 determination of whether any work is suitable work shall be made as  
 32 provided in subsection (e).

33 (h) With respect to extended benefit periods established on and after  
 34 July 5, 1981, no work shall be considered suitable and extended  
 35 benefits shall not be denied under this article to any otherwise eligible  
 36 individual for refusing to accept new work under any of the following  
 37 conditions:

38 (1) If the gross average weekly remuneration payable to the  
 39 individual for the position would not exceed the sum of:

40 (A) the individual's average weekly benefit amount for the  
 41 individual's benefit year; plus

42 (B) the amount (if any) of supplemental unemployment  
 43 compensation benefits (as defined in Section 501(c)(17)(D) of  
 44 the Internal Revenue Code) payable to the individual for such  
 45 week.

46 (2) If the position was not offered to the individual in writing or

1 was not listed with the department of workforce development.

2 (3) If such failure would not result in a denial of compensation  
3 under the provisions of this article to the extent that such  
4 provisions are not inconsistent with the applicable federal law.

5 (4) If the position pays wages less than ~~the higher of:~~

6 ~~(A) the minimum wage provided by 29 U.S.C. 206(a)(1) (the~~  
7 ~~Fair Labor Standards Act of 1938), without regard to any~~  
8 ~~exemption. or~~

9 ~~(B) the state minimum wage (IC 22-2-2).~~

10 (i) The department of workforce development shall refer individuals  
11 eligible for extended benefits to any suitable work (as defined in  
12 subsection (g)) to which subsection (h) would not apply.

13 SECTION 13. IC 35-50-5-3, AS AMENDED BY P.L.173-2006,  
14 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
15 JULY 1, 2007]: Sec. 3. (a) Except as provided in subsection (i) or (j),  
16 in addition to any sentence imposed under this article for a felony or  
17 misdemeanor, the court may, as a condition of probation or without  
18 placing the person on probation, order the person to make restitution  
19 to the victim of the crime, the victim's estate, or the family of a victim  
20 who is deceased. The court shall base its restitution order upon a  
21 consideration of:

22 (1) property damages of the victim incurred as a result of the  
23 crime, based on the actual cost of repair (or replacement if repair  
24 is inappropriate);

25 (2) medical and hospital costs incurred by the victim (before the  
26 date of sentencing) as a result of the crime;

27 (3) the cost of medical laboratory tests to determine if the crime  
28 has caused the victim to contract a disease or other medical  
29 condition;

30 (4) earnings lost by the victim (before the date of sentencing) as  
31 a result of the crime including earnings lost while the victim was  
32 hospitalized or participating in the investigation or trial of the  
33 crime; and

34 (5) funeral, burial, or cremation costs incurred by the family or  
35 estate of a homicide victim as a result of the crime.

36 (b) A restitution order under subsection (a), ~~or~~ (i), or (j) is a  
37 judgment lien that:

38 (1) attaches to the property of the person subject to the order;

39 (2) may be perfected;

40 (3) may be enforced to satisfy any payment that is delinquent  
41 under the restitution order by the person in whose favor the order  
42 is issued or the person's assignee; and

43 (4) expires;

44 in the same manner as a judgment lien created in a civil proceeding.

45 (c) When a restitution order is issued under subsection (a), the  
46 issuing court may order the person to pay the restitution, or part of the

- 1 restitution, directly to:
- 2 (1) the victim services division of the Indiana criminal justice
- 3 institute in an amount not exceeding:
- 4 (A) the amount of the award, if any, paid to the victim under
- 5 IC 5-2-6.1; and
- 6 (B) the cost of the reimbursements, if any, for emergency
- 7 services provided to the victim under IC 16-10-1.5 (before its
- 8 repeal) or IC 16-21-8; or
- 9 (2) a probation department that shall forward restitution or part of
- 10 restitution to:
- 11 (A) a victim of a crime;
- 12 (B) a victim's estate; or
- 13 (C) the family of a victim who is deceased.
- 14 The victim services division of the Indiana criminal justice institute
- 15 shall deposit the restitution it receives under this subsection in the
- 16 violent crime victims compensation fund established by IC 5-2-6.1-40.
- 17 (d) When a restitution order is issued under subsection (a), (i), or (j),
- 18 the issuing court shall send a certified copy of the order to the clerk of
- 19 the circuit court in the county where the felony or misdemeanor charge
- 20 was filed. The restitution order must include the following information:
- 21 (1) The name and address of the person that is to receive the
- 22 restitution.
- 23 (2) The amount of restitution the person is to receive.
- 24 Upon receiving the order, the clerk shall enter and index the order in
- 25 the circuit court judgment docket in the manner prescribed by
- 26 IC 33-32-3-2. The clerk shall also notify the department of insurance
- 27 of an order of restitution under subsection (i).
- 28 (e) An order of restitution under subsection (a), (i), or (j), does not
- 29 bar a civil action for:
- 30 (1) damages that the court did not require the person to pay to the
- 31 victim under the restitution order but arise from an injury or
- 32 property damage that is the basis of restitution ordered by the
- 33 court; and
- 34 (2) other damages suffered by the victim.
- 35 (f) Regardless of whether restitution is required under subsection (a)
- 36 as a condition of probation or other sentence, the restitution order is not
- 37 discharged by the completion of any probationary period or other
- 38 sentence imposed for a felony or misdemeanor.
- 39 (g) A restitution order under subsection (a), (i), or (j), is not
- 40 discharged by the liquidation of a person's estate by a receiver under
- 41 IC 32-30-5 (or IC 34-48-1, IC 34-48-4, IC 34-48-5, IC 34-48-6,
- 42 IC 34-1-12, or IC 34-2-7 before their repeal).
- 43 (h) The attorney general may pursue restitution ordered by the court
- 44 under subsections (a) and (c) on behalf of the victim services division
- 45 of the Indiana criminal justice institute established under IC 5-2-6-8.
- 46 (i) The court may order the person convicted of an offense under

1 IC 35-43-9 to make restitution to the victim of the crime. The court  
2 shall base its restitution order upon a consideration of the amount of  
3 money that the convicted person converted, misappropriated, or  
4 received, or for which the convicted person conspired. The restitution  
5 order issued for a violation of IC 35-43-9 must comply with  
6 subsections (b), (d), (e), and (g), and is not discharged by the  
7 completion of any probationary period or other sentence imposed for  
8 a violation of IC 35-43-9.

9 (j) The court may order the person convicted of an offense under  
10 IC 35-43-5-3.5 to make restitution to the victim of the crime, the  
11 victim's estate, or the family of a victim who is deceased. The court  
12 shall base its restitution order upon a consideration of the amount of  
13 fraud or harm caused by the convicted person and any reasonable  
14 expenses (including lost wages) incurred by the victim in correcting the  
15 victim's credit report and addressing any other issues caused by the  
16 commission of the offense under IC 35-43-5-3.5. If, after a person is  
17 sentenced for an offense under IC 35-43-5-3.5, a victim, a victim's  
18 estate, or the family of a victim discovers or incurs additional expenses  
19 that result from the convicted person's commission of the offense under  
20 IC 35-43-5-3.5, the court may issue one (1) or more restitution orders  
21 to require the convicted person to make restitution, even if the court  
22 issued a restitution order at the time of sentencing. For purposes of  
23 entering a restitution order after sentencing, a court has continuing  
24 jurisdiction over a person convicted of an offense under IC 35-43-5-3.5  
25 for five (5) years after the date of sentencing. Each restitution order  
26 issued for a violation of IC 35-43-5-3.5 must comply with subsections  
27 (b), (d), (e), and (g), and is not discharged by the completion of any  
28 probationary period or other sentence imposed for an offense under  
29 IC 35-43-5-3.5.

30 (k) The court shall order a person convicted of an offense under  
31 IC 35-42-3.5 to make restitution to the victim of the crime in an amount  
32 equal to the greater of the following:

- 33 (1) The gross income or value to the person of the victim's labor  
34 or services.  
35 (2) The value of the victim's labor as guaranteed under the  
36 minimum wage and overtime provisions of

1           ~~(A)~~ the federal Fair Labor Standards Act of 1938, as amended  
2           (29 U.S.C. 201-209). ~~or~~  
3           ~~(B) IC 22-2-2 (Minimum Wage);~~  
4           ~~whichever is greater.~~  
5       SECTION 14. IC 22-2-2 IS REPEALED [EFFECTIVE JULY 1,  
6       2007].".  
7       Renumber all SECTIONS consecutively.  
      (Reference is to HB 1027 as printed January 26, 2007.)

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Representative Bell